

dismissed, because defendant is not a debt collector, and because the claim is time-barred.

4. The Real Estate Settlement Procedures Act claim (Count II) must be dismissed because no violation of that statute is alleged.

5. The Federal Housing Regulations claim (Count III) must be dismissed, because those allegations do not give rise to an independent cause of action.


6. Additionally, the remaining state law claims (Counts IV, V, V#2, VI, VII, VIII, and VIII#2), must be dismissed for lack of subject matter jurisdiction. If the three federal claims are dismissed, supplemental jurisdiction should not be exercised.

7. Finally, even if plaintiffs' state laws claims are considered on their merits, they are independently defective, and must be dismissed.

8. Washington Mutual Bank incorporates its contemporaneously filed memorandum of law.

Wherefore, Washington Mutual Bank respectfully requests that the complaint be dismissed.

WASHINGTON MUTUAL BANK

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